

IN THE DISTRICT COURT FOR GAGE COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
)
Plaintiff,)
)
v.)
)
LARRY ECKEL,)
)
)
Defendant.)

Case No. CI 09-542

CONSENT DECREE

FILED
In The Office of the Clerk of the District Court
in Gage County, Nebraska

NOV - 4 2010

Deane H. Wells
CLERK OF THE DISTRICT COURT DEPUTY

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (NDEQ) and through its counsel, Attorney General Jon C. Bruning and Assistant Attorney General Kevin L. Griess, and Larry Eckel, jointly file this consent decree and agree to this Court's entry of the following terms and orders:

1. This Court has jurisdiction of the parties and the subject matter of this action. The complaint filed in this case is a justiciable cause of action against Eckel under the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq. (Reissue 2008, Supp. 2009) and all rules and regulations promulgated under that act.
2. In an order entered September 14, 2010, this Court found that Eckel (a) engaged in the unlawful disposal of solid waste on or before February 22, 2007, in Gage County, Nebraska, in violation of Neb. Rev. Stat. § 81-1506(3)(a) and § 81-1506(3)(d) (Reissue 2008); and (b) engaged in the unlawful disposal of solid waste between July 2006 and December 2, 2009, in Lancaster County, Nebraska, in violation of the same statutory provisions.
3. The parties have now agreed to the terms of a civil penalty to be assessed against Eckel under Neb. Rev. Stat. § 81-1508.02(2) (Reissue 2008). The parties agree



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that settlement of this matter is in the public interest and that entry of this consent decree is the most appropriate means of resolving their dispute.

4. This consent decree shall be in full satisfaction of all claims between the parties alleged in the State's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in the State's complaint, provided that such claims were known to the State, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the consent decree.

5. IT IS THEREFORE ORDERED that Eckel shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), in the amount of \$2,000 to the Gage County District Court. This civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution and shall be paid to this Court no more than six months from the entry of this consent decree by the Court. However, if Eckel maintains compliance with and does not violate the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et. seq., or any rules and regulations promulgated under that act during the six months following the entry of this consent decree, then payment of this \$2,000 of civil penalties will be waived.

A. To qualify for the waiver of \$2,000 of civil penalties as described above, Eckel shall file a Request for Waiver with the Court within 15 days following the due date of the civil penalties establishing that it has maintained compliance with the statutes and regulatory provisions listed above. The State will file a satisfaction of judgment within 10 days of receiving Eckel's Request for Waiver. If Eckel violates the statutes or regulatory provisions listed above during the six months following the entry

of this consent decree, the State may file an objection to Eckel's Request for Waiver and the determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

6. The undersigned consent without further notice to the form and entry of this consent decree.

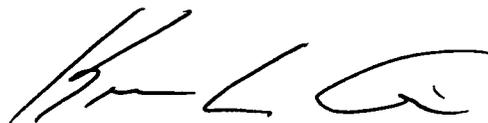
DATED THIS 4 day of ^{Nov}~~October~~, 2010, in Gage County, Nebraska.

BY THE COURT:


The Honorable Daniel E. Bryan

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

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